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EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

*New Delhi, the 13th May, 1950*

The following Act of Parliament received the assent of the President on the 12th May, 1950 and is hereby published for general information:—

## THE REPRESENTATION OF THE PEOPLE BILL, 1950.

No. XLIII of 1950

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An Act to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, and matters connected therewith.

[12th May, 1950.]

BE it enacted by Parliament as follows:—

## PART I

### PRELIMINARY

1. **Short title.**—This Act may be called the Representation of the People Act, 1950.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “article” means an article of the Constitution;

(b) “Assembly constituency” means a constituency provided by order made under section 9 for the purpose of elections to the Legislative Assembly of a State;

(c) “Council constituency” means a constituency provided by order made under section 11 for the purpose of elections to the Legislative Council of a State;

(d) “Election Commission” means the Election Commission appointed by the President under article 324;

(e) “order” means an order published in the Official Gazette;

(f) “Parliamentary constituency” means a constituency provided by section 6 or by order made thereunder for the purpose of elections to the House of the People;

(g) “person” does not include a body of persons;

(h) “prescribed” means prescribed by rules made under this Act.

## PART II

### ALLOCATION OF SEATS AND DELIMITATION OF CONSTITUENCIES

#### *The House of the People*

3. **Allocation of seats in the House of the People.**—(1) The allocation of seats in the House of the People shall be as shown in the First Schedule.

(2) To each State specified in the first column of the First Schedule, there shall be allotted the number of seats specified in the second column thereof opposite to that State.

4. **Filling of seats in the House of the People.**—(1) The seats allotted under section 8 to the State of Jammu and Kashmir and to the Andaman and Nicobar Islands shall be seats to be filled by persons nominated by the President.

(2) Save as aforesaid, all the other seats in the House of the People allotted to the States under that section shall be seats to be filled by persons chosen by direct election.

**5. Parliamentary constituencies.**—For the purpose of elections to the House of the People, there shall be the constituencies as provided by section 6 or by order made thereunder, and no other constituencies.

**6. Delimitation of Parliamentary constituencies.**—(1) Each State to which only one seat is allotted in the First Schedule shall form one constituency.

(2) As soon as may be after the commencement of this Act, the President shall, by order, determine—

(a) the constituencies into which each State to which more than one seat is allotted in the First Schedule shall be divided;

(b) the extent of each constituency;

(c) the number of seats allotted to each constituency; and

(d) the number of seats, if any, reserved for the scheduled castes or for the scheduled tribes in each constituency.

#### *The State Legislative Assemblies*

**7. Total number of seats in the Legislative Assemblies.**—The total number of seats in the Legislative Assembly of each State specified in the first column of the Second Schedule, to be filled by persons chosen by direct election, shall be the number specified in the second column thereof opposite to that State.

**8. Assembly constituencies.**—For the purpose of elections to a Legislative Assembly, there shall be the constituencies provided by order under section 9, and no other constituencies.

**9. Delimitation of Assembly constituencies.**—As soon as may be after the commencement of this Act, the President shall, by order, determine—

(a) the constituencies into which each State shall be divided for the purpose of elections to the Legislative Assembly of that State;

(b) the extent of each constituency;

(c) the number of seats allotted to each constituency; and

(d) the number of seats, if any, reserved for the scheduled castes or for the scheduled tribes in each constituency.

#### *The State Legislative Councils*

**10. Allocation of seats in the Legislative Councils.**—(1) The allocation of seats in the Legislative Councils of the States having such Councils shall be as shown in the Third Schedule.

(2) In the Legislative Council of each State specified in the first column of the Third Schedule, there shall be the number of seats specified in the second column thereof opposite to that State, and of those seats,—

(a) the numbers specified in the third, fourth and fifth columns shall be the numbers of seats to be filled by persons elected, respectively, by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the number specified in the sixth column shall be the number of seats to be filled by persons elected by the members of the Legislative Assembly of the State from amongst persons who are not members of that Assembly; and

(c) the number specified in the seventh column shall be the number of seats to be filled by persons nominated by the Governor or Rajpramukh, as the case may be, of the State in accordance with the provisions of clause (5) of article 171.

**11. Delimitation of Council constituencies.**—As soon as may be after the commencement of this Act, the President shall, by order, determine—

(a) the constituencies into which each State having a Legislative Council shall be divided for the purpose of elections to that Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency.

*Provisions as to orders delimiting constituencies*

**12. Power to alter or amend orders.**—The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under section 6, section 9 or section 11.

**13. Procedure as to orders delimiting constituencies.**—(1) As soon as may be after the commencement of this Act, there shall be set up by the Speaker—

(a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three, and not more than seven, Members of Parliament representing that State; and

(b) in respect of each Part C State other than Bilaspur, Coorg and the Andaman and Nicobar Islands, an Advisory Committee consisting of the Member or Members of Parliament representing that State.

(2) The Election Commission shall, in consultation with the Advisory Committee so set up in respect of each State, formulate proposals as to the delimitation of constituencies in that State under sections 6, 9 and 11 or such of these sections as may be applicable and submit proposals to the President for making the Orders under the said sections.

(3) Every Order made under section 6, section 9, section 11 or section 12 shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the Order is so laid.

### PART III

#### REGISTRATION OF PARLIAMENTARY ELECTORS

**14. Definition.**—In this Part, “constituency” means a Parliamentary constituency.

**15. Electoral roll for every constituency.**—For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.

**16. Disqualifications for registration in an electoral roll.**—(1) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court;

or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included.

**17. No person to be registered in more than one constituency.**—No person shall be entitled to be registered in the electoral roll for more than one constituency.

**18. No person to be registered more than once in any constituency.**—No person shall be entitled to be registered in the electoral roll for any constituency more than once.

**19. Conditions of registration.**—Subject to the foregoing provisions of this Part, every person who—

(a) has been ordinarily resident in a constituency for not less than 180 days during the qualifying period, and

(b) was not less than 21 years of age on the qualifying date, shall be entitled to be registered in the electoral roll for that constituency.

**20. Meaning of "ordinarily resident".**—(1) Save as hereinafter provided, a person shall be deemed to be ordinarily resident in a constituency if he ordinarily resides in that constituency, or owns, or is in possession of, a dwelling house therein.

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(3) A member of the Armed Forces of the Union while living in any barrack, building or place belonging to, or provided by, the Government shall not be deemed to be ordinarily resident in the constituency within which such barrack, building or place is situate, but shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for his service in the Armed Forces, he would have been ordinarily resident during that period or on that date.

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, or any person who is employed under the Government of India in a post outside India, shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for the holding of any such office or employment, he would have been ordinarily resident during that period or on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner, that but for his service in the Armed Forces or but for his holding any such office or being employed in any such post as is referred to in sub-section (4) he would have been ordinarily resident in a specified place during any period or on any date, shall, in the absence of evidence to the contrary, be conclusive evidence of that fact.

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall, if she be ordinarily residing with such person during any period, be deemed to be ordinarily resident during that period in the constituency specified by such person under sub-section (5).

(7) For the purpose of the electoral rolls first prepared under this Act, a person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July, 1949, on account of disturbances or fear of disturbances in his former place of residence shall be deemed to have been ordinarily resident during any period or on any date in the constituency in which he was resident on the said day or, if any other constituency is specified by him in this behalf in the prescribed form and manner, in that other constituency.

**21. Meaning of "qualifying date" and "qualifying period".**—For the purpose of this Part, the qualifying date and the qualifying period,—

(a) in the case of electoral rolls first prepared under this Act, shall be the 1st day of March, 1950, and the period beginning on the 1st day of April, 1947 and ending on the 31st day of December, 1949, respectively; and

(b) in the case of every electoral roll subsequently prepared under this Act, shall be the 1st day of March of the year in which it is prepared, and the year immediately preceding that year, respectively.

**22. Electoral Registration Officers.**—(1) The electoral roll for each constituency shall be prepared by an Electoral Registration Officer, who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

(2) An Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit in the preparation of the electoral roll for the constituency.

**23. Annual preparation of electoral roll.**—The electoral roll for each constituency shall be prepared every year in the prescribed manner by reference to the qualifying date:

Provided that it shall not be necessary to prepare any roll during the year 1951.

**24. Period of operation of electoral rolls.**—(1) Subject to the other provisions of this Act, the electoral roll for any constituency first prepared under this Act shall come into force immediately upon its final publication in accordance with the rules made under this Act and shall remain in force until the 30th day of September, 1952; and every electoral roll subsequently prepared under this Act shall come into force on the 1st day of October next after the qualifying date by reference to which that roll is prepared and shall remain in force until the 30th day of September next following.

(2) If for any reason, the electoral roll for any constituency or part of a constituency is in any year not finally published in the prescribed manner before the 1st day of October, then, until the day on which it is so published, the electoral roll in force immediately before the said 1st day of October shall continue in force as the electoral roll for that constituency or, as the case may be, that part of the constituency.

**25. Revision or correction of electoral rolls in special cases.**—Notwithstanding anything contained in sections 23 and 24—

(a) the Election Commission may at any time, for reasons to be recorded in writing, direct the revision in the prescribed manner of the electoral

roll of any constituency or part of a constituency, and when a list containing any additions to, omissions from or alterations in, the electoral roll as a result of such revision has been finally published in the prescribed manner, the electoral roll shall be deemed to have been revised accordingly;

(b) the Electoral Registration Officer for a constituency, on application made to him for the correction of an existing entry in the electoral roll of the constituency for the time being in force shall, if he is satisfied after such inquiry as he thinks fit that the entry relates to the applicant and is erroneous or defective in any particular, amend, or cause the roll to be amended, accordingly.

#### PART IV

##### REGISTRATION OF ELECTORS FOR STATE LEGISLATURES

**26. Preparation of electoral rolls for Assembly constituencies.**—The provisions of sections 15 to 25 shall apply in relation to Assembly constituencies as they apply in relation to Parliamentary constituencies.

**27. Preparation of electoral rolls for Council constituencies.**—(1) In this section, "local authorities' constituency", "graduates' constituency" and "teachers' constituency" mean a constituency for the purpose of elections to a Legislative Council under sub-clause (a), sub-clause (b) and sub-clause (c), respectively, of clause (3) of article 171.

(2) For the purpose of elections to the Legislative Council of a State in any local authorities' constituency, the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth Schedule.

(3) For the purpose of elections to the Legislative Council of a State in the graduates' constituencies and the teachers' constituencies, the State Government concerned may, with the concurrence of the Election Commission, by notification in the Official Gazette, specify—

(a) the qualifications which shall be deemed to be equivalent to that of a graduate of a university in the territory of India, and

(b) the educational institutions within the State not lower in standard than that of a secondary school.

(4) The provisions of sections 15, 16, 18, 20, 22, 23, 24 and 25 shall apply in relation to Council constituencies as they apply in relation to Parliamentary constituencies.

(5) Subject to the foregoing provisions of this section,—

(a) every person who on the qualifying date was a member of any such local authority within a local authorities' constituency as is referred to in sub-section (2) shall be entitled to be registered in the electoral roll for that constituency;

(b) every person who on the qualifying date was ordinarily resident in a graduates' constituency and has, for at least three years before that date, been either a graduate of a university in the territory of India or in possession of any of the qualifications specified under clause (a) of sub-section (3) by the State Government concerned, shall be entitled to be registered in the electoral roll for that constituency; and



(c) every person who on the qualifying date was ordinarily resident in a teachers' constituency, and has, within the six years immediately before that date for a total period of at least three years, been engaged in teaching in any of the educational institutions specified under clause (b) of sub-section (3) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency.

(d) For the purpose of this section, the qualifying date in the case of every electoral roll shall be the 1st day of April of the year in which the roll is prepared.

## PART V

### GENERAL

**28. Power to make rules.**—(1) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the particulars to be entered in the electoral rolls;
- (b) the preliminary publication of electoral rolls in the constituencies to which they relate;
- (c) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;
- (d) the constitution and appointment of revising authorities to dispose of claims and objections;
- (e) the manner in which notices of claims or objections shall be published;
- (f) the place, date and time at which claims or objections shall be heard and the manner in which claims or objections shall be heard and disposed of;
- (g) the final publication of electoral rolls;
- (h) the revision or correction of an electoral roll under section 25 and the final publication of the list referred to in that section;
- (i) any other matter required to be prescribed by this Act.

**29. Validation of acts done previous to the commencement of the Act.**—All things done, and all steps taken, before the commencement of this Act with a view to facilitating the provisional preparation of electoral rolls for the purpose of elections to the House of the People or to the Legislatures of States shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done or taken under this Act as if it was in force at the time such things were done or such steps were taken.

**30. Jurisdiction of civil courts barred.**—No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or

(b) to question the legality of any action taken by or under the authority of an Electoral Registration Officer, or of any decision given by any authority appointed under this Act for the revision of any such roll.

## THE FIRST SCHEDULE

(See section 3)

*Allocation of seats in the House of the People*

Name of State	Total number of seats
1	2
<i>Part A States.</i>	
1. Assam . . . . .	12
2. Bihar . . . . .	55
3. Bombay . . . . .	45
4. Madhya Pradesh . . . . .	29
5. Madras . . . . .	75
6. Orissa . . . . .	20
7. Punjab . . . . .	18
8. Uttar Pradesh . . . . .	86
9. West Bengal . . . . .	34
<i>Part B States.</i>	
1. Hyderabad . . . . .	25
2. Jammu and Kashmir . . . . .	6
3. Madhya Bharat . . . . .	11
4. Mysore . . . . .	11
5. Patiala and East Punjab States Union . . . . .	5
6. Rajasthan . . . . .	20
7. Saurashtra . . . . .	6
8. Travancore-Cochin . . . . .	12
<i>Part C States.</i>	
1. Ajmer . . . . .	2
2. Bhopal . . . . .	2
3. Bilaspur . . . . .	1
4. Coorg . . . . .	1
5. Delhi . . . . .	4
6. Himachal Pradesh . . . . .	3
7. Kutch . . . . .	2
8. Manipur . . . . .	2
9. Tripura . . . . .	2
10. Vindhya Pradesh . . . . .	6
11. Andaman and Nicobar Islands . . . . .	1
Total . . . . .	493

THE SECOND SCHEDULE

(See section 7)

*Total number of seats in the Legislative Assemblies*

Name of State	Total number of seats
1	2
<i>Part A States.</i>	
1. Assam . . . . .	108
2. Bihar . . . . .	330
3. Bombay . . . . .	318
4. Madhya Pradesh . . . . .	232
5. Madras . . . . .	375
6. Orissa . . . . .	140
7. Punjab . . . . .	126
8. Uttar Pradesh . . . . .	430
9. West Bengal . . . . .	238
<i>Part B States.</i>	
1. Hyderabad . . . . .	175
2. Madhya Bharat . . . . .	90
3. Mysore . . . . .	99
4. Patiala and East Punjab States Union . . . . .	60
5. Rajasthan . . . . .	160
6. Saurashtra . . . . .	60
7. Travancore-Cochin . . . . .	108

THE THIRD SCHEDULE

(See section 10)

*Allocation of seats in the Legislative Councils*

Name of State	Total number of seats	Number to be elected or nominated under article 171 (1)				
		Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
1	2	3	4	5	6	7
<i>Part A States.</i>						
1. Bihar . . . . .	72	24	6	6	24	12
2. Bombay . . . . .	72	24	6	6	24	12
3. Madras . . . . .	72	24	6	6	24	12
4. Punjab . . . . .	40	13	3	3	13	8
5. Uttar Pradesh . . . . .	72	24	6	6	24	12
6. West Bengal . . . . .	51	17	4	4	17	
<i>Part B State.</i>						
1. Mysore . . . . .	40	13	3	3	13	8

# THE FOURTH SCHEDULE

[See section 27(2)]

*Local Authorities for purposes of elections to Legislative Councils*

## BIHAR

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Notified Area Committees.
5. The Patna Administration Committee.

## BOMBAY

1. Municipalities.
2. District Local Boards.
3. Cantonment Boards.

## MADRAS

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Major Panchayats, that is to say, Panchayats notified by the State Government in the Official Gazette as Panchayats which exercise jurisdiction over an area containing a population of not less than five thousand and whose income for the financial year immediately preceding the date of the notification was not less than ten thousand rupees.

## PUNJAB

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Small Town Committees.
5. Notified Area Committees.

## UTTAR PRADESH

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Town Area Committees.
5. Notified Area Committees.

## WEST BENGAL

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Local Boards.

## MYSORE

1. Municipalities.
2. District Boards.

K. V. K. SUNDARAM,  
Secy. to the Govt. of India.